

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

CLAY A. ROY,

Plaintiff,

V.

VEOLIA ENVIRONMENTAL SERVICES,
VEOLIA ES TECHNICAL SOLUTIONS
LLC,

Defendants.

CIVIL ACTION NO. 1:19-CV-00443-MJT

JUDGE MICHAEL TRUNCAL

**ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

This case is referred to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters. The court has received and considered the report of the magistrate judge (Doc. No. 32), which recommends granting Defendant Veolia Environmental Services and Veolia ES Technical Solutions LLC’s (“Veolia”) “Motion to Dismiss” (Doc. No. 22) with respect to *pro se* Plaintiff Clay A. Roy’s (“Roy”) Title VII retaliation and document fraud claims. Doc. No. 22. Because Roy’s complaint includes enough well-pled facts regarding his discrimination claims under the ADA and ADEA, and his retaliation claim under FMLA, the report recommends denying Veolia’s “Motion to Dismiss” (Doc. No. 22) as to these particular claims. On July 7, 2020, Roy timely filed “Plaintiff’s Objections to Magistrate Judge’s Report and Recommendation.” Doc. No. 34.

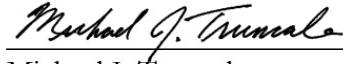
A party who files timely, written objections to a magistrate judge's report and recommendation is entitled to a *de novo* determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b)(2)-(3).

“Parties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court.” *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

In his objections, Roy restates factual allegations provided in prior filings and provides greater detail regarding the circumstances surrounding his termination. Doc. No. 34 at 2-3. Substantively, Roy objects to the magistrate judge’s recommendation of dismissal of Roy’s document fraud claim under 8 U.S.C. §1324c. *Id.* at 3. As the magistrate judge explains, this criminal statute does not create a private cause of action against Veolia. *Id.* Roy’s noble statements regarding justice do not alter the fact that Roy cannot bring a private cause of action under 8 U.S.C. §1324c. *Id.* Furthermore, Roy fails to address that this statute relates only to the falsification of documents for immigration purposes. Roy is a United States citizen and no part of his complaint relates to or touches immigration. Therefore, Roy’s objections lack merit.

It is, therefore, **ORDERED** that Roy’s objections to the magistrate judge’s report and recommendation (Doc. No. 34) are **OVERRULED**. Accordingly, the magistrate judge’s “Report and Recommendation” (Doc. No. 32) is **ADOPTED** and Veolia’s “Motion to Dismiss” (Doc. No. 22) is **GRANTED IN PART**. Roy’s Title VII retaliation and document fraud claims are **DISMISSED WITH PREJUDICE**. Veolia’s motion to dismiss Roy’s discrimination claims under the ADA and ADEA, and his retaliation claim under FMLA is **DENIED**.

SIGNED this 9th day of July, 2020.



Michael J. Truncale
United States District Judge